

FILED
21 APR 26 PM 2:22
CLERK OF DISTRICT COURT
Attachment 1 - Civil Complaint
BY _____
WESTERN DISTRICT OF TEXAS
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Brandon Johnson

(Enter your full name)
Plaintiff(s)

1:21CV0362 LY

CASE NUMBER: _____
(Supplied by Clerk's Office)

Jefferson Capital Systems

(Enter full name of each Defendant)
Defendant(s)

COMPLAINT

First Paragraph (Name and Address of Plaintiff)

Second Paragraph (Name and Address(es) of Defendant(s))

Third Paragraph (Jurisdiction Plea)

Fourth Paragraph (Allegation 1)

Fifth Paragraph (Allegation 2) ...

The final paragraph should contain a statement of the relief you are seeking. This paragraph should not be numbered.



Signature
Name (Typed or Printed)
Address
Telephone Number

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

BRANDON JOHNSON

PERSONAL INJURY CLAIM

(Plaintiff)

CASE NO: **1:21 CV 0362LY**

VS

DEMAND FOR COMPENSATION

JEFFERSON CAPITAL SYSTEM

(Defendant)

COMPLAINT

NOW comes BRANDON JOHNSON ("Plaintiff"), by self, complaining as to the conduct of JEFFERSON CAPITAL SYSTEM ("Defendant"), as follows:

NATURE OF THE ACTION

1. Plaintiff brings this action for damages pursuant to the Telephone Consumer Protection Act ("TCPA") and the Fair Debt Collection Practices Act ("FDCPA") under 15 U.S.C. §1692 *et seq.*, against Defendant's unlawful conduct, mental torture, and causing damages.

JURISDICTION AND VENUE

2. This action arises under and is brought pursuant to the TCPA and FDCPA. Subject matter jurisdiction is conferred upon this Court by 15 U.S.C. § 1692, 28 U.S.C. §§1331 and 1337, as the action arises under the laws of the United States.

3. Venue is proper in this Court pursuant to 28 U.S.C. §1391 as Plaintiff resides in the Western District Division Austin, Texas and a substantial portion of the events or omissions giving rise to the claims occurred within the Western District Division Austin, Texas United States of America.

PARTIES

4. Plaintiff is a consumer over 32 years-of-age manager in a Cerdo Live legacy Company, Austin, which is within the Texas.

5. Defendant is a Company named JEFFERSON CAPITAL SYSTEM.

6. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives and insurers at all times relevant to the instant action.

FACTS SUPPORTING CAUSES OF ACTION

7. The instant action stems from Defendant's attempts to call again and again by different phone numbers enlisted as 320-229-8095, 320-300-4492, 800-348-3381, 866-608-5902, 866-805-9214 and many others.

8. Upon information and belief, Plaintiff allegedly incurred mental stress, mental and physical torture, and damages for the working hours calling.

9. On or around **November 1, 2019** Defendant telephonic contacted Plaintiff to collect upon the subject consumer debt.

10. During the aforementioned conversation, Defendant suggested that it was calling from EMP.

11. During this call Defendant also failed to inform Plaintiff of the time-barred status of the subject consumer debt and of the repercussions to Plaintiff if she submitted a payment to Defendant.

12. Frustrated over Defendant's conduct, Plaintiff thinks to start the personal injury litigation against the defendant which also include expenses.

13. Plaintiff has been unfairly and unnecessarily disturbed and mislead by Defendant's actions.

14. Plaintiff has suffered concrete harm as a result of Defendant's actions, including but not limited to, invasion of privacy, and aggravation along with emotional distress.

COUNT I – VIOLATIONS OF THE FAIR DEBT COLLECTION PRACTICES ACT

15. Plaintiff repeats and re alleges paragraphs 1 through 15 as though fully set forth herein.

16. Plaintiff is a "consumer" as defined by 15 U.S.C. §1692a(3) of the FDCPA.

17. Defendant is a "debt collector" as defined by §1692a(6) of the FDCPA, because it regularly uses the mail and/or the telephone to collect, or attempt to collect, delinquent consumer accounts.

18. Defendant is engaged in the business of collecting or attempting to collect, directly or indirectly, defaulted debts owed or due or asserted to be owed or due to others.

19. The subject consumer debt is a "debt" as defined by FDCPA §1692a(5) as it arises out of a transaction

Dated: April 26, 2021

Respectfully submitted,
Brandon Johnson
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